

In re: Malcom B. Strandberg
Filed: April 9, 1998
Serial No.: 09/057,749
Page 5

al. and Srinivasan. Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bateman et al in view of Grossman et al. and Srinivasan and further in view of Szlam et al. Claim 1 was also rejected under 35 U.S.C. §112, second paragraph.

With this Preliminary Amendment, claims 1 and 10 have been amended to more particularly point out what the applicant regards as his invention. No new matter has been added to the instant application by these amendments.

With respect to the substantive rejections of claims 1-6 and 8-14, the applicant respectfully requests reconsideration for the following reasons. First, with respect to the rejection of claim 1 under 35 U.S.C. §112, second paragraph, the phrase "substantially immediately redial" has been amended to read "immediately redial". This amendment is clearly supported in the specification, for example, on page 14, lines 9-11, where the disclosure states, "the dial script 58 directs the predictive dialer 52 to immediately (or within a short period such as one minute) re-dial the busy telephone number." Accordingly, reconsideration and withdrawal of the §112 rejection of claim 1 is respectfully requested.

With respect to the rejections of claims 1, 3-6, and 8-14 under 35 U.S.C. §103(a), the applicant has amended claim 1 to

clarify the applicant's invention. Specifically, claims 1 and 10 (the independent system and method claims, respectively) have been amended to clearly indicate that the present invention concerns a redial process that redials a telephone number in order to place a telephone call to an inquiring party telephone connected to a telephone line that is being used to access a computer network when the telephone line is busy. These amendments clarify that the "busy telephone number" is the telephone number of the telephone line to which an inquiring party telephone is connected. This is also the same telephone line that is used by the inquiring party to access the computer network.

In addition, the claim amendments more particularly recite that the telephone call placed by the automated dialer system is placed to a standard telephone. This is greatly different from the embodiment of the Bateman et al. patent, where voice communications between an inquiring party and a call center agent are established over the data network rather than the PSTN. This particular Bateman et al. embodiment requires a user PC that includes hardware and software to enable voice over internet protocol. Unlike Bateman et al., the telephone call of the present invention is placed to an ordinary telephone set over the telephone network and not over the computer network. Therefore,

In re: Malcom B. Strandberg
Filed: April 9, 1998
Serial No.: 09/057,749
Page 7

no additional PC hardware or software is required to implement the present invention.

Accordingly, since this claimed feature, which is now clearly recited in each of the independent claims is not found in the prior art of record, the applicant respectfully requests the withdrawal of the §103 rejection and the allowance of claims 1 and 10. Furthermore, since each of the remaining claims depends from either claim 1 or claim 10, reconsideration and allowance of dependent claims 2-6, 8-9, and 11-14 is also respectfully requested.

Finally, with respect to the rejection of claim 2 under 35 U.S.C. §103(a), the applicant submits that since claim 2 is dependent upon an allowable base claim, it too is in a condition for allowance and such action is earnestly requested.

CONCLUSION

For the reasons provided above, the applicant believes that the invention claimed in amended claims 1-6 and 8-14 is patentable in light of the prior art of record. Accordingly, allowance of claims 1-6 and 8-14 is respectfully requested.

The Examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the

In re: Malcom B. Strandberg
Filed: April 9, 1998
Serial No.: 09/057,749
Page 8

present application.

Respectfully submitted,

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